

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDSEY BRESNAHAN,

Plaintiff,

v.

Case No. 1:16-CV-1257

JIMMY JOHN’S FRANCHISE, LLC,

HON. GORDON J. QUIST

Defendant.

ORDER

Plaintiff has sued Defendant, a limited liability company, alleging a state-law claim of negligence. Plaintiff alleges that this Court has diversity jurisdiction over the case because Plaintiff is a citizen of Michigan and Defendant, an Illinois limited liability company, has its principal place of business in Illinois. (ECF No. 1 at PageID.1–2. Contrary to Plaintiff’s allegations, Plaintiff fails to properly allege that diversity jurisdiction exists.

For purposes of diversity jurisdiction, a corporation is “deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). On the other hand, the citizenship of a limited liability company, such as Plaintiff, is the citizenship of each member. *Americold Realty Trust v. Conagra Foods, Inc.*, 136 S. Ct. 1012, 1015–16 (2016); *see also Delay v. Rosenthal Collins Grp., LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Thus, if a party is a limited liability company, the party seeking to invoke diversity jurisdiction must allege the citizenship of each member of the limited liability company, including: (1) if any member is a corporation, the state of incorporation and

principal place of business of such member; or (2) if any member is a partnership (general or limited), a limited liability company, or any other form of unincorporated business entity, the citizenship of each partner or member of such entity, and so on.

Plaintiff fails to properly allege diversity of citizenship because she does not identify the citizenship of Defendant's members.

Therefore,

IT IS HEREBY ORDERED that within **fourteen (14) days** of the date of this Order, Plaintiff shall file an amended complaint alleging the residence of each member of Defendant, as set forth above. Failure to file an amended complaint within that time shall result in a dismissal without prejudice.

Dated: October 28, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE